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John A. Harrelson, Jr.
Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103

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MAY 10 2004

In re Application of	:	OFFICE OF PETITIONS
Daniel A. Hammer et al.	:	
Application No. 10/777,552	:	DECISION ON PETITION
Filed: February 12, 2004	:	UNDER 37 C.F.R. §1.10(d)
Attorney Docket No. UPN-4290	:	
Title: Polymersomes	:	
Incorporating Highly Emissive	:	
Probes	:	

This is a decision on the petition under 37 C.F.R. §1.10(d), submitted on March 17, 2004, requesting that the application be accorded a filing date of February 12, 2004.

Shortly after February 12, 2004, the above-identified application was received in the Office. The Office of Initial Patent Examination mailed petitioner's postcard receipt, which indicated that the application had been accorded a filing date of February 11, 2004.

In response, on March 17, 2004, applicants filed the present petition. Petitioners have included a copy of the Express Mail Label having a number of EL969189362US¹. Applicants request that the application be accorded a filing date of February 12, 2004.

¹ The Utility Patent Application Transmittal sheet has been located in the electronic file, and it is noted that it contains this same Express Mail label number.

Petitioner has alleged that the application was deposited on February 12, 2004, and the Patent Office has incorrectly assigned a filing date of February 11, 2004 to the instant application.

Regarding the Express Mail label, it is noted that the label contains a "date-in" of February 11, 2004. A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. A check of the United States Postal Service's website (<http://www.usps.com/shipping/trackandconfirm.htm>) establishes that the package was received on February 12, 2004. A print-out of this report has been enclosed.

Although the application received a filing date of February 11, 2004, the evidence is convincing that the application papers were filed on February 12, 2004, and the Patent Office assigned the incorrect date to the application. Therefore, the application was entitled to a filing date of February 12, 2004.

Accordingly, the petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of February 12, 2004, as well as the mailing of a corrected filing receipt.

Petitioner has submitted payment in the amount of \$130. Since there is no fee for a petition submitted under 37 C.F.R. 1.10(d), the petition fee will be refunded to Petitioner's Deposit Account, as authorized in the petition.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

Encl. Copy of the USPS website tracking results.